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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

20 CISCO SYSTEMS, INC.,

21 Plaintiff,

22 vs.

23 ARISTA NETWORKS, INC.,

24 Defendant.

25 CASE NO. 5:14-cv-5344-BLF

26 **ADMINISTRATIVE MOTION TO FILE
27 UNDER SEAL CONFIDENTIAL
28 INFORMATION IN CISCO'S RESPONSE
TO ARISTA'S BRIEF RE ANALYTIC
DISSECTION**

29 Judge: Hon. Beth Labson Freeman

30 02099-00004/8564662.1

1 Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings
 2 this administrative motion for an order to seal certain information filed in connection with Cisco’s
 3 Response to Arista’s Brief re: Analytic Dissection.

4 **I. LEGAL STANDARD**

5 In the context of non-dispositive motions, materials may be sealed so long as the party
 6 seeking sealing makes a “particularized showing” under the “good cause” standard of Federal
 7 Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th
 8 Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir.
 9 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that
 10 the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled
 11 to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The
 12 sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

13 **II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

14 Cisco makes this request to seal the documents identified herein for the reasons explained
 15 in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File
 16 Under Seal (“Jenkins Declaration”). Cisco also files this motion to seal to provide Arista
 17 Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding
 18 the confidentiality of some exhibits, as detailed below.

19 **II. DOCUMENTS SOUGHT TO BE SEALED**

20 The document that Cisco seeks to seal through this motion are included in the chart below:

| 22 Document | 23 Portions to Be Filed Under Seal | 24 Party With Claim of Confidentiality |
|---|---|---|
| 25 Cisco’s Response to Arista’s Brief re: Analytic Dissection | 26 Highlighted Portions | 27 Arista |

28 02099-00004/8564662.1

| Document | Portions to Be Filed Under Seal | Party With Claim of Confidentiality |
|---|--|-------------------------------------|
| Exhibit 1 to the Declaration of John M. Neukom (November 20, 2015 excerpt of deposition transcript of Kirk Lougheed) | 131:1-135:25; 141:1-143:25; 166:1-169:25 | Cisco |
| Exhibit 2 to the Declaration of John M. Neukom (March 17, 2016 excerpt of the deposition transcript of the Anshul Sadana) | Entire | Arista |

11
12 November 14, 201613
14 Respectfully submitted,15
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